



wanted to continue litigating the case. Id. The Order warned that failure to respond within the required time would result in a recommendation of dismissal of the action and plaintiff was further advised that he must notify the court immediately of any change in his address, or his action would be dismissed. Id.

Plaintiff failed to respond to the Court's Order, and accordingly, by Report and Recommendation dated January 5, 2012, the magistrate judge recommended that the action be dismissed without prejudice for failure to comply with the court's order and failure to prosecute the action. (Doc. 11). Plaintiff was allowed until January 26, 2012 to file an objection to the Report and Recommendation. Id.

Plaintiff filed no objection within the required time. However, on January 31, 2012, plaintiff filed a "motion for extention (sic)" in which he requested more time to file objections, provided a change of address, and then further set forth objections to the Report and Recommendation, and requested appointment of counsel. (Doc. 12) He still did not comply with the court's previous order to provide the name of the facility in which he was held at the time he instituted the action, nor the person or entity in whose custody he was held.

Because the plaintiff filed objections, the court will consider those objections as if timely filed. However, the motion for extension of time to file further objections and to appoint counsel is **DENIED**.

Therefore, after due and proper consideration of all portions of this file deemed relevant to the issue raised, and having reviewed, de novo, those portions of the Report and Recommendation to which objections were filed, the Report and

Recommendation of the Magistrate Judge entered on December 6, 2011 (Doc. 11) made under 28 U.S.C. § 636(b)(1)(B) is **ADOPTED** as the opinion of this court.

**DONE and ORDERED** this 14th day of February, 2012.

/s/ Callie V. S. Granade  
UNITED STATES DISTRICT JUDGE